



UTE INDIAN TRIBE

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September 19, 2017

Kent Hoffman
Deputy State Director, Division of Lands and Minerals
Bureau of Land Management Utah State Office
440 West 200 South, Ste. 500
Salt Lake City, UT 84101

Re: Protest to Green River District Competitive Oil and Gas Lease Sale

Dear Deputy State Director Hoffman:

The Ute Indian Tribe of the Uintah and Ouray Reservation reviewed the Bureau of Land Management's (BLM) September 1, 2017, Notice of Competitive Oil and Gas Internet Based Lease Sale for parcels within BLM's Green River District and hereby protests the inclusion of certain parcels in the Lease Sale. These parcels were evaluated as a part of Environmental Assessment DOI-BLM-UT-G010-2017-0028-EA dated August 2017. This protest includes a statement of our interest in this matter and our statement of reasons for the protest.

The Ute Indian Tribe protests the inclusion of the parcels listed in Exhibit A and shown in green on the map in Exhibit B that are attached here. As explained in further detail below, the Ute Indian Tribe retains an interest in many of these parcels. In addition, while these parcels are within or boarding our Reservation, no attempt was made to consult with the Tribe on the selection of these parcels for the Lease Sale.

Statement of Interest

The Ute Indian Tribe has an interest in this matter because BLM's proposed oil and gas lease sale includes lands and minerals within or boarding the Tribe's Uintah and Ouray Reservation. The Tribe reserved these lands through treaties, Executive Orders, Acts of Congress and agreements with the United States. These lands are intended to provide a homeland to the Tribe. The Tribe is particularly concerned about parcels within our historic Uncompahgre Reservation that makes up the eastern half of our Uintah and Ouray Reservation. As explained below, the Tribe retains civil and criminal jurisdiction over these lands, including regulatory jurisdiction, and has an interest in these lands and minerals.

Statement of Reasons

The Ute Indian Tribe protests the inclusion of the parcels listed in Exhibit A and shown in Exhibit B in the Lease Sale for the following reasons.

1) The Parcels have a Cloud on their Title

Lands managed by BLM within the Uncompahgre Reservation are surplus lands within an Indian Reservation and are subject to trust restoration under the Indian Reorganization Act of 1934. The Ute Indian Tribe has a pending request before the Department of the Interior for the trust restoration of surplus lands within the Uncompahgre Reservation pursuant to 25 U.S.C. § 463(a). While the Tribe's request is pending and any subsequent legal actions related to this request, the parcels have a cloud on their title and it is not proper to include them in an oil and gas lease sale. BLM has been unable to produce valid legal title to establish ownership of the lands and minerals at issue and therefore these parcels should not be included in the Lease Sale.

2) The Parcels are within the Tribe's Indian Country

As the Tenth Circuit Court of Appeals has held numerous times, the Tribe retains full civil and criminal authority, including regulatory authority, over the Uncompahgre Reservation. The Tribe maintains its own plans for oil and gas development and management of natural and cultural resources, including Sage Grouse, within its Reservation. BLM is required to consider the Tribe's management plans prior to including these parcels in an oil and gas lease sale.

Similarly, Congress charged BLM with regulating oil and gas and other activities on public lands, specifically for multiple use and sustained yield in accordance with land use plans the agency develops. Tribal lands are not public lands. BLM lacks the statutory authority to regulate oil and gas on tribal lands, and its efforts to regulate tribal lands through the purported imposition of fracking regulations and venting and flaring regulations that serve to potentially disadvantage the Tribe in the development of its oil and gas resources.

3) Consultation with the Tribe is required before including the Parcels in an Oil and Gas Lease Sale.

At a bare minimum, BLM is required to consult with the Ute Indian Tribe prior to including parcels within its Reservation in an oil and gas lease sale. Department of the Interior policies and Executive Orders require consultation when a Federal action may impact tribal interests. At no time during the Environmental Assessment or oil and gas lease sale process, did BLM reach out to and seek consultation with the Tribe. These parcels contain numerous natural and cultural resources and burial sites under the protection of the Tribe. BLM can only learn about these impacts by consulting with the Tribe. Other BLM offices routinely consult with tribes regarding potential impacts from an oil and gas lease sale prior to selecting parcels for inclusion in the sale.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Duncan", written in a cursive style.

Luke Duncan, Chairman
Ute Tribal Business Committee

Exhibit A

The Ute Indian Tribe protests the inclusion of the following parcels:

	Serial Number	Parcel USO
1	UTU92667	033
2	UTU92668	034
3	UTU92669	035
4	UTU92672	038
5	UTU92674	040
6	UTU92675	041
7	UTU92676	042
8	UTU92677	044
9	UTU92679	046
10	UTU92680	047
11	UTU92681	048
12	UTU92682	052
13	UTU92683	053
14	UTU92684	054
15	UTU92685	055
16	UTU92686	056
17	UTU92695	065
18	UTU92696	066
19	UTU92697	067
20	UTU92698	068
21	UTU92700	072
22	UTU92701	074
23	UTU92702	075
24	UTU92703	076
25	UTU92704	077
26	UTU92705	078
27	UTU92707	080
28	UTU92708	081
29	UTU92709	082
30	UTU92710	083
31	UTU92711	084
32	UTU92712	085
33	UTU92713	086
34	UTU92714	087

Exhibit B

Map of Protested Parcels in Relation to Uintah and Ouray Indian Reservation that includes Historic Uncompahgre Reservation

